

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*

Defendants.

Civil Action No. 1:25-cv-00196

**DECLARATION OF CHRISTA CAPOZZOLA,
CENTERS FOR DISEASE CONTROL AND PREVENTION
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

I, Christa Capozzola, make the following declaration under 28 U.S.C. § 1746:

1. I am the Acting Chief Operating Officer and Acting Director of the Office of the Chief Operating Officer at the Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS).

2. In this role, I am responsible for overseeing management, facilities, and operations at CDC. I provide executive oversight for CDC's budget; facilities design, maintenance, security, management analysis, and safety and personnel security; acquisitions, contractual assistance, and grants; information technology and security; and human resources strategy, training, and workplace development. Through this work, I am familiar with plaintiffs' allegations in the above-captioned litigation as they pertain to CDC's programs.

3. I submit this declaration in support of the Defendants' response to Plaintiffs' Cross-Motion to Clarify the Preliminary Injunction in the above-captioned matter. Specifically, I submit

this declaration in order to clarify certain facts in response to declarations Plaintiffs submitted with their cross-motion and to describe (i) an award of the CDC Office on Smoking and Health (OSH) relating to the National and State Tobacco Control Program; (ii) funding under the Overdose Data to Action (OD2A) cooperative agreement; and (iii) staffing at the National Center for HIV, Viral Hepatitis, STD, and Tuberculosis Prevention (NCHHSTP), National Institute for Occupational Safety and Health (NIOSH), and Division of Reproductive Health (DRH).

4. This declaration is based on my personal knowledge, information acquired in the course of performing my official duties, information conveyed to me by current CDC employees, and information contained in agency records to which I have access in the normal course of my duties.

Office of Smoking and Health

5. OSH is the division at CDC responsible for national efforts to prevent and reduce tobacco use.

6. The National and State Tobacco Control Program is a five-year award where OSH provides technical and financial assistance to states for evidence-based tobacco control programs and support for National Quitline media campaigns. OSH extended this five-year award for an additional year through supplemental Fiscal Year (FY) 2025 funds. The purpose of this additional funding is to facilitate completion of program activities and extended evaluation of the National and State Tobacco Control Program for a sixth year.

7. In mid-July 2025, CDC put out a notice to states that supplemental Fiscal Year (FY) 2025 funding for the National and State Tobacco Control Program award was available. Rhode Island responded to this notification and CDC received Rhode Island's application on or about July 21, 2025.

Overdose Data to Action

8. CDC's OD2A cooperative agreement provides funding for state and local OD2A programs to reduce drug overdoses and the impact of related harms. In 2023, CDC awarded five-year cooperative agreements under these state and local programs. On or around August 7, 2025, CDC provided OD2A recipients with notice that they would receive their full Year 3 annual award amount (100%) in a single issuance. *See* Exhibit A.

National Center for HIV, Viral Hepatitis, STD, and Tuberculosis Prevention

9. The CDC NCHHSTP activities include public health surveillance and disease prevention research, funding disease prevention programs and developing data and educational materials to support clinicians and support disease prevention among highly affected groups.

10. CDC has rescinded reduction in force (RIF) notices for certain employees within the NCHHSTP. Paragraph 9 in the declaration of Yolanda Jacobs states that some employees in the Division of HIV Prevention were directed to "reorient" themselves toward shutting down and were "tasked with closing down programs." I am unaware of efforts or direction from CDC or NCHHSTP leadership, since July 1, 2025, to restructure along the lines of efforts announced by HHS on March 27, 2025 within CDC programs subject to the July 1 injunction.

11. Project NEXUS is a survey that monitors the infectious disease consequences of drug use that has, in the past, been conducted by both the Division of HIV Prevention and Division of Viral Hepatitis (DVH). The survey is ongoing and currently being conducted by DVH. CDC HIV NEXUS is a separate activity. It is an online portal that provides clinicians with CDC resources on HIV testing, prevention and treatment. CDC HIV NEXUS (<https://www.cdc.gov/hivnexus/hcp/index.html>) is available online and the activity has not been

transitioned to DVH. Paragraph 9 in the declaration of Yolanda Jones (Document 84-3) appears to confuse these two programs when it states that HIV NEXUS is now managed by DVH.

National Institute for Occupational Safety and Health

12. NIOSH is the federal institute in the CDC responsible for conducting research and making recommendations for the prevention of work-related injury and illness.

13. Approximately 46 percent of NIOSH staff are currently on administrative leave.

14. On or about May 13, 2025, RIF notices were rescinded for all staff in the Division of Safety Research in Morgantown, West Virginia. This rescission included those staff in NIOSH's Fatality Assessment and Control Evaluation Program.

15. Finally, in the Western States Division, NIOSH maintains two staff members as of August 8, 2025.

Division of Reproductive Health

16. DRH in CDC's National Center for Chronic Disease Prevention and Health Promotion has historically developed programs to improve women's health, improve pregnancy health and care, and give infants the healthiest start in life.

17. CDC collects data from assisted reproductive technology (ART) clinics in the United States through the National ART Surveillance System and calculates standardized success rates for each reporting clinic. CDC employees, specifically employees within the DRH, continue to work on creating an ART report for 2025. And, CDC continues to preserve and protect all sensitive ART data consistent with legal requirements and security protocols.

18. The CDC Pregnancy Risk Assessment Monitoring System (PRAMS) is an ongoing, site-specific, and population-based surveillance system designed to identify groups of women and infants at high risk for health problems, to monitor changes in health status, and to measure

progress towards goals in improving the health of mothers and infants. Although there has been a reduction in outreach relating to the CDC PRAMS, CDC has continued some engagement with states regarding data collection.

19. Paragraph 7 in the declaration of Jane Doe 8 (Document 84-8) states that “some reorganization efforts continue to progress” at DRH. I am not aware of what that statement refers to, but if it refers to the restructuring that is the subject of this litigation, it is incorrect, to the best of my knowledge. DRH personnel have been instructed regarding compliance with the terms of the July 1 injunction in this case, and I am not aware of any restructuring efforts within CDC along the lines announced by HHS on March 27, 2025, since July 1.

20. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 8th day of August 2025, in Benson, Vermont

Christa A.
Capozzola -S

Digitally signed by Christa
A. Capozzola -S
Date: 2025.08.08
23:05:16 -04'00'

Christa Capozzola

EXHIBIT A

View / Reply to Grant Message



Subject: OD2A Bulk Note

Communication Type: Correspondence  Category: Bulk Message

AUTHOR	MESSAGE	DATE / TIME	ACTIONS
Natasha Jones	<p>Dear Overdose Data to Action (OD2A) Recipients, CDC's National Center for Injury Prevention and Control (NCIPC)'s Division of Overdose Prevention (DOP) is providing an important update regarding the Year 3 Overdose Data to Action (OD2A) Notice of Awards (NOAs). Recipients will receive their full Year 3 annual award amount (100%) in a single issuance. We anticipate that NOAs will be released in mid to late August. As outlined in the terms and conditions, recipients are expected to carry out all Year 3 activities using the full annual award amount. The OD2A program remains a key priority of the administration, and this updated funding approach reflects the importance of supporting your efforts in a timely and coordinated manner. To support the successful launch of Year 3, both OD2A programs are tentatively planning a "Start Smart" kickoff webinar in early September. The webinar will include key updates on Year 3 NOAs, programmatic requirements, and an opportunity to address any questions. For jurisdiction-specific questions related to NOAs or the timing of awards, please contact your Grants Management Specialist. For programmatic or activity-related questions, continue to reach out to your Project Officer. Thank you for your continued partnership. Show Less</p>	08/07/2025 10:52 AM EST	

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